



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/300,676	04/27/99	DOYLE R	73744

LM11/0428
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EXAMINER

DEANE JR, W 7

ART UNIT PAPER NUMBER

2742

DATE MAILED: 04/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/300,676

Applicant(s)

Doyle et al.

Examiner

Bill Deane

Group Art Unit

2742



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 29, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

SEE ATTACHMENT>

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-38

- ☒ The proposed drawing correction filed on Mar 29, 2000 ☒ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☐ Other _____

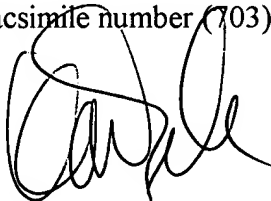
KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700

Attachment

Applicant's representative argues that Tonisson does not teach assigning calls to an agent based upon a relative difference between an actual occupancy and a target occupancy. The Examiner disagrees. Giving Tonisson the broadest interpretation it is believed that such assigning of calls is taught by Tonisson. Applicant's invention is nothing more than a method to optimize work flow of the agents. This is clearly taught by Tonisson (Col. 3, lines 6 - 27). With respect to an actual occupancy and target occupancy, note page 6 of the present application and compare to Col 4, lines 36-60 of Tonisson. It would be clear to one of ordinary skill in the art that a target matrix is taught by Tonisson. It would be clear to one of ordinary skill in the art that Tonisson also teaches an actual matrix, how else could one determine the optimum for a system without comparing a target matrix to that of an actual matrix? It would also be clear to one of ordinary skill in the art that Tonisson teaches assigning calls based on the relative difference between an actual and target matrices to achieve an optimum system. Note that Tonisson states at Col. 5, lines 17 - 18 "... distributing calls to agents in such a way as to bring the percentages closer to the ideal. What percentages? The percentages in the target matrix (the ideal) and bring them closer to that of the actual matrix.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308-6306.


WJD
29 Apr 00


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